

**REMARKS**

In view of the above amendment and following remarks, the Examiner is requested to allow claims 1-8 and 17-24, the only claims pending and under examination in this application.

**Formal Matters**

The Specification is amended at the first line of drawings at page 7. These amendments were made merely to make all substituent groups visible and complete.

Claims 1-8 and 17-24 are amended. Support for these amendments may be found throughout the specification and claims as originally filed.

Support for amendments to claim 1 may be found specifically at page 5, lines 15, and page 17, lines 17-18. Claims 2-8 are modified to correctly reflect these antecedent changes.

Support for amendments to claim 17 may be found specifically at page 5, line 15, and page 17, line 24 and 28. Claims 18-24 are modified to correctly reflect these antecedent changes.

Claims 9-16 and 25-30 are cancelled without prejudice.

Accordingly, no new matter is added.

***SPECIFICATION OBJECTIONS***

The Examiner objects to the disclosure because the structure of TK<sub>5145</sub> on page 5 (actually page 7) assertedly needs to be corrected due to overlapping nodes.

The Specification has been corrected to reflect this change. Accordingly this objection may be withdrawn.

***CLAIM REJECTIONS – 35 U.S.C. § 112, FIRST PARAGRAPH***

Claims 1-11 are rejected under 35. U.S.C §112, first paragraph as allegedly lacking enablement. In making the rejection, the Examiner states that one of ordinary skill in the art would not be enabled to use the invention commensurate in scope with the claims without undue experimentation.

Claims 9-11 are cancelled without prejudice, and moot the rejection with respect to these claims.

As set forth in MPEP §2164.01: The standard for determining whether the specification meets the enablement requirement was cast in the Supreme Court decision of *Mineral Separation v. Hyde*, 242 U.S. 261, 270 (1916) which postured the question: is the experimentation needed to practice the invention undue or unreasonable? That standard is still the one to be applied. *In re Wands*, 858 F.2d 731, 737, 8 USPQ2d 1400, 1404 (Fed. Cir. 1988).

Claim 1 as amended reads:

"A method of administering to a subject in need of thereof an effective amount of cisplatin, said method comprising: administering to said subject cisplatin in conjunction with an amount of a compound selected from TK-211; TK-295; TK-516; TK-523; TK-363; TK-204; TK-5145 and TK-5175 effective to reduce toxicity of said cisplatin."

These compounds have been found to reduce toxicity of cisplatin in flies, by a multifold amount, as shown in the experimental section on page 17, lines 17-18. These compounds are identified by structure on page 7. Accordingly, one of ordinary skill in the art is able to use the invention without undue experimentation.

Claims 2-8 are dependent on claim 1 and incorporate all the limitations therein. Accordingly, the rejection against claims 1-8 may be withdrawn.

Claims 17-27 are rejected under 35 U.S.C §112, first paragraph as allegedly lacking enablement. In making the rejection, the Examiner states that one of ordinary skill in the art would not be enabled to use the invention commensurate in scope with the claims commensurate in scope with the claims without undue experimentation.

Claims 25-27 are cancelled without prejudice, and moot the rejection with respect to these claims.

Claim 17 as amended reads:

"A method of treating ovarian cancer in a patient, said method comprising: administering to said patient an amount of cisplatin effective to treat said cancer in conjunction with an amount of TK-211 effective to reduce toxicity of said cisplatin. "

This compound has been shown effective in reducing the toxicity of cisplatin in human ovarian cancer cells, according to page 17, lines 24 and 28. Accordingly, one of ordinary skill in the art is able to use the invention commensurate in scope with the claims without undue experimentation.

Claims 18-24 are dependent on claim 1 and incorporate all the limitations therein. Accordingly, the rejection against claims 17-24 may be withdrawn.

***CLAIM REJECTIONS – 35 U.S.C. § 112, SECOND PARAGRAPH***

Claims 1-8, 10-11, 17-24 and 26-27 are rejected under 35 U.S.C. §112, second paragraph for allegedly being indefinite. In making this rejection, the Examiner points to specific phrases, which will be addressed individually below.

Claims 10-11 and 26-27 are cancelled, and thus moot the rejection with respect to these claims.

**Claims 1-8: "cisplatin active agent"**

The Examiner rejected the term "cisplatin active agent" as being a relative phrase that has multiple interpretations.

Claims 1-8 as amended refer to "cisplatin". Accordingly, this rejection may be withdrawn.

Claim1: "said host"

The Examiner rejected the term "said host" as lacking proper antecedent basis.

Claim 1 as amended refers to "said subject", which is first mentioned in the first line of claim 1. Accordingly, this rejection may be withdrawn.

Claim 17: "said effective amount"

The Examiner rejected the term "said effective amount" as lacking proper antecedent basis.

Claim 17 as amended refers to "an amount of cisplatin effective to treat said cancer". Accordingly, this rejection may be withdrawn.

***CLAIM REJECTIONS – 35 U.S.C. § 102***

Claims 1-10 and 17-26 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by WO 98/014182 ("Cambell"). In making the rejection, the Examiner states that Cambell sets forth each and every element of the claims. It is believed in view of the above amendments, this rejection may be withdrawn.

**CONCLUSION**

Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at (650) 327 3400.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number TOSK-006CON.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: 7.23.07

By: 

Bret E. Field  
Registration No. 37,620

BOZICEVIC, FIELD & FRANCIS LLP  
1900 University Avenue, Suite 200  
East Palo Alto, California 94303  
Telephone: (650) 327-3400  
Facsimile: (650) 327-3231

F:\DOCUMENT\Tosk\006con\Response to OA dated 4-23-07.doc